

DENNIS ORVILLE ELLIOTT, SWORN, TESTIFIES AS FOLLOWS:

MR. JOHNSTON:

EXAMINATION-IN-CHIEF:

- 1 Q Good morning, Mr. Elliott. Thanks for coming. I understand, Mr. Elliott, that you knew Gail Miller and were associated with her in the days and weeks leading up to her death?
- A Yes, I was.
- 2 Q What was your relationship with Gail?
- A More or less just a friend, because I'd only met her about two times before.
- 3 Q I understand that you saw her the evening of Thursday, June (sic) the 30th, 1969?
- A Yes, I did.
- 4 Q How did you come to see her that evening?
- A I had phoned her up and asked her if she wanted to go out?
- 5 Q And did she agree to?
- A Yes.
- 6 Q So what -- what happened?
- A Well, I was working doing a basement suite, and a couple of friends of mine picked her up for me while I was cleaning up, and we had a party at the place I lived at, 1308 Temperance Street. And it just expired from there, and I dropped her off at home.
- 7 Q Do you recall whether or not Gail brought along

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any friends to the party, Mr. Elliott?

A Probably did.

8 Q Do you have any specific recollection of it?

A Not really, no.

9 Q Did you leave the party at all with Gail during
the course of the night?

A We left at pretty close to midnight to go downtown
to pick up some alcohol and drop a friend of hers
off. And the bar maid we dropped off at another
address.

10 Q The bar maid?

A Well, Diane Hopfner (ph).

11 Q How did you -- how did you meet her that night?

A She was a bar maid at the bar where I went and
picked up the beer, and she was my ex-landlady.

12 Q Oh, I see.

A And then I dropped her off where she wanted to go.

13 Q So you gave her a ride home?

A Well, it wasn't home. It was to the corner of
Victoria and Hilliard Street.

14 Q And then you figure you dropped a friend of Gail's
off, and then you and Gail went back to the party?

A Well, there was Gail and, I think, Brian and Ziggy
were with us also.

15 Q A couple of other guys?

A A couple of other guys from the party, yeah.

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EX SWORN

- 16 Q So you and Gail and the -- at least the other two
guys went back to the party?
- A Yeah.
- 17 Q How long did you stay there, Mr. Elliott?
- A Approximately 1:30, maybe 2:00.
- 18 Q What happened then?
- A She wanted to go home, because she had to work the
next morning, so we went home and we parked out in
front of her house and talked for half an hour or
so, and then I walked her to the door.
- 19 Q What was Gail's condition that night? Had she
been drinking?
- A Not very much, if she had been at all.
- 20 Q I'm sorry?
- A If she had been at all.
- 21 Q If she had been at all?
- A Yeah.
- 22 Q Not very much?
- A But it wasn't very much.
- 23 Q What about you?
- A I had some to drink. I couldn't say how much.
- 24 Q So you and Gail went home? Like, there was nobody
else in the car?
- A No.
- 25 Q You just drove her home?
- A Yeah.

- 26 Q Do you remember where she was living at the time?
A Avenue O, Avenue P, somewhere in that area.
- 27 Q What kind of place was it?
A It was a -- I believe it was a two-storey house,
two or three-storey house. She lived up in the
top floor, I believe.
- 28 Q How long -- you said you took her home. Did she
go straight into the house when you arrived home
or what did you do?
A Yeah, I walked her to the door and she went into
the house and I left.
- 29 Q Did you remain in the car for any period of time
when you got there, Mr. Elliott?
A When we first got there?
- 30 Q Yeah.
A Yeah, we stayed and talked in the car for about
half an hour.
- 31 Q And then you walked her to the door?
A Yeah.
- 32 Q Front door or back?
A Front.
- 33 Q What's your best recollection of the time that you
walked her to her door?
A Probably about 2:30 in the morning.
- 34 Q And you left?
A Yeah.

- 35 Q Did you have any plans to see her again, or did you make --
- A I was supposed to pick her up at 8 o'clock the next night.
- 36 Q The next night?
- A Yeah.
- 37 Q Well, during the time you were sitting out front, did you see anybody else around or anything?
- A There was another car parked across from us the whole time we were there.
- 38 Q Anybody in it?
- A Yes, one person.
- 39 Q One person?
- A Yes.
- 40 Q What kind of car was it?
- A At that time I believe it was about a '63 Pontiac Parisienne.
- 41 Q Colour?
- A Dark maroon.
- 42 Q Is there any particular reason you recall that vehicle sitting there or anything, Mr. Elliott?
- A Yeah. The back quarter panel was smashed on the driver's side, and I commented that it was a nice car to have such a bad dent in it.
- 43 Q Did you ever see Gail Miller alive again, Mr. Elliott?

A No, I didn't.

44 Q When did you first hear of her death then?

A About 6 o'clock the following night.

45 Q The following night. How did you hear of that,
Mr. Elliott?

A My roommates told me when I came home.

46 Q What did you do after you were told?

A I went over to her address on Avenue P or O,
whatever it was, and did a statement with the City
Police then.

47 Q That night?

A That night, yeah.

MR. JOHNSTON: I have no further questions,
Mr. Elliott. If you'd answer any questions
Mr. Beresh may have?

MR. BERESH:

CROSS-EXAMINATION:

48 Q Just a few, Mr. Elliott. Do I understand that you
had only seen Ms. Miller two times before?

A Yeah.

49 Q So this was the third time you actually saw her or
were with her?

A Well, it was the first time I was with her. She
was at the place, our apartment, before.

50 Q Where was that?

A 1308 Temperance.

51 Q And that's on the south side, I understand?

- A Over in the university area.
- 52 Q Right.
- A Yeah.
- 53 Q Okay. Or east side, as --
- A East.
- 54 Q -- the locals may call it?
- A Yeah.
- 55 Q So she had been at your apartment once before?
- A I believe twice she'd been there.
- 56 Q And what were those occasions?
- A She just usually came with a couple of friends because she knew some of the roommates that I had, and she just came with them and I was introduced to her.
- 57 Q Do I understand there were parties though?
- A Once in awhile there was parties.
- 58 Q Sorry?
- A Like, they were university kids that was staying there too.
- 59 Q On those two occasions they were parties?
- A No.
- 60 Q Okay. Did she ever mention a Les Spence to you?
- A No.
- 61 Q Never did?
- A No.
- 62 Q And did you have the impression from any

discussions with her that she was going steady
with anyone?

A No.

63 Q Okay.

A Because she was there with somebody else.

64 Q Sorry?

A She usually came with somebody else so.

65 Q Who was that?

A I have no idea who it is. It was usually a couple
of her roommates that she would come with.

66 Q In your statement to the police you mentioned the
name of a Mr. Longdo, if that's how you pronounce
it; Dwayne L-O-N-G-D-O?

A Yeah, okay. Yeah.

67 Q Is that how you pronounce it?

A I don't know.

68 Q Well, how did his name come into any conversation?

A I believe he was there, brought her there, or was
there with her once. Like, when she came with a
bunch of her roommates, he was there.

69 Q The reason I ask is in your statement to the
police, obviously the police asked you whether she
had any enemies, known enemies?

A Yeah.

70 Q And the only name you mentioned in that regard --
I'm not saying he was an enemy -- in that regard

is this Dwayne Longdo?

A No, he was just -- he was there with her once, and he was ticked off one night with her or something; I don't know.

71 Q Okay. Well, let me just read that part of the statement to you and see if that helps. "She never mentioned to me anything about having enemies or being threatened. The only person she talked about was Dwayne Longdo on Edward Street near the top end."

A I don't know. I know she was going with him at one time; like, had gone out with him a couple of times but that's about all I remember about it.

72 Q Okay. Well, what I'm getting at though is I take it the police must have asked you, "Do you know of any enemies or any problems she was having?"

A Yeah. Well, I know they were there and they had an argument one night. One of the nights they were there they had an argument.

73 Q Where was that?

A At 1308 Temperance Street.

74 Q At your place?

A Yeah. Well, actually there was eight suites in the basement, light-housekeeping suites, so she wasn't necessarily at my place.

75 Q Okay.

- A She --
- 76 Q Sorry?
- A Could have been anybody else's room.
- 77 Q And what was the nature of the argument? What was being -- what were they arguing about?
- A I have no idea.
- 78 Q But you know about the argument?
- A Yeah.
- 79 Q Okay. And I take it whether it's correct or not, it appeared to you that it upset Ms. Miller?
- A Yeah.
- 80 Q She communicated it to you?
- A Well, she had told me that they had an argument.
- 81 Q Now, when did you understand that argument to have taken place; how long before her death?
- A Probably about two weeks. Or one of the other times that she had been there, like, one of two times she'd been there. It had to be in that time.
- 82 Q So we're then talking about some time in January of '69?
- A Yeah.
- 83 Q Okay. I want to ask you, sir, about the vehicle you were driving that night. Do you remember what it was?
- A A 1965 Plymouth Fury 2.

- 84 Q Okay. It was your car?
A My car, yeah.
- 85 Q And you didn't pick her up, I understand?
A No.
- 86 Q What were you doing during that day?
A I was working on a redoing a basement in a house on York Street for a John and Alma Frose.
- 87 Q So that was during the day on January 30th?
A Yeah.
- 88 Q And do I understand that there was another woman from the same house where Gail lived that came to join you?
A A friend of Gail's.
- 89 Q Yes.
A At the party, yes. There was a friend of Gail's came also.
- 90 Q Okay. The reason I ask is how many times did you go to Gail's house that night?
A I never went -- I was there only at her house once, and that was when I dropped her off.
- 91 Q Never before?
A No.
- 92 Q Okay. You purchased 24 beer, according to your statement to the police?
A Yes, I did.
- 93 Q And that was around midnight?

- A Yes.
- 94 Q And some of that was consumed obviously?
- A Yes.
- 95 Q And I take it Gail was consuming alcohol?
- A I don't think she drank that much. She might have had a couple, but I don't think she drank that much because she had to work the next day.
- 96 Q I appreciate that, but over the last 20 some years I take it you don't recall what she had to drink --
- A No.
- 97 Q -- that night, obviously?
- A No.
- 98 Q Okay. When you got to her home did you say that the vehicle, this other vehicle, was there already, the maroon vehicle?
- A Yes, it was there already.
- 99 Q And that was at the front of her house?
- A Yes.
- 100 Q From your indication to the police you had the impression that that person was watching the house?
- A Yes, parked in front of it, yes.
- 101 Q And I take it from the way you've described it to the police you thought that was suspicious?
- A Well, at 2:30 in the morning, yes.

102 Q Sure. And that person stayed there while you got
out of the vehicle?

A Yes.

103 Q And watched you walk her up to the door?

A Yes.

104 Q And when you left, that vehicle was still there?

A Yes.

105 Q Okay. You're sure it was a person in the vehicle?

A Yes.

106 Q Okay. One or more than one person?

A I'm pretty sure it was one.

107 Q Okay. And during the time you stayed in the car
talking to her, this same car was there?

A Yes.

108 Q And I take it it was just a few feet away from you
then?

A Yes.

109 Q Across the street?

A Just across the street, yes.

110 Q And it never moved?

A No.

MR. BERESH: I see. Thank you very much,
sir.

THE COURT: Any re-exam?

MR. JOHNSTON: No, Your Honour.

THE COURT: All right. This -- you may be

excused, sir. Thank you very much.

THE WITNESS: Okay.

THE COURT: You're free to go.

MR. JOHNSTON: Thanks for coming,

Mr. Elliott.

MR. SINCLAIR: The next witness is John
Patterson, please. I wonder if he could be
called? Right up here, Mr. Patterson.